

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

RODNEY D. PIERCE and
MOSES MATTHEWS,

Plaintiffs,

v.

THE NORTH CAROLINA STATE BOARD
OF ELECTIONS, *et al.*,

Defendants.

Case No. 4:23-cv-193-D

**JOINT MOTION TO SUSPEND L.R. 83.1(k), STANDING ORDERS 05-PLR-7 & 22-SO-2-M, & FOR EXCEPTION TO JUDICIAL PRACTICE PREFERENCES REGARDING
CELL PHONES IN THE COURTROOM**

Plaintiffs Rodney D. Pierce and Moses Matthews, together with Defendants the North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon III, Stacy Eggers IV, Kevin N. Lewis, Siobhan O'Duffy Millen, each in their official capacities, and Philip E. Berger and Timothy K. Moore, both in their official capacities, jointly move the Court for an order suspending Local Rule 83.1(k) and Standing Orders 05-PLR-7 and 22-SO-2-M, and excepting counsel who notice an appearance, certain identified staff, and the witnesses identified in the parties' pretrial disclosures, from the Court's judicial practice preference prohibiting the use of cell phones in the courtroom, for the pendency of trial in this matter. In support, the parties show the following:

1. Per the Court's July 2, 2024 scheduling order [Dkt. No. 81], trial in this matter is set to begin on February 3, 2025 and last no more than five days.
2. The parties acknowledge that Local Rule 83.1(k)(1) generally exempts counsel from the Court's Standing Order on Prohibition of Wireless Communication Devices—Standing

Order 05-PLR-7—and that such exemption is conditioned upon the presentation of a bar card to court security.

3. Similarly, Standing Order 22-SO-2-M generally prohibits wireless communication devices in court facilities, with an exception for counsel attending in their official duties.

4. Further, the Court’s judicial practice preferences explicitly and uniformly prohibit the use of cell phones in the courtroom.

5. The parties agree that electronic devices like tablets and computers are necessary during trial in this matter for, among other things, navigating trial exhibits, examining witnesses, and preparing trial materials. The parties further agree that cell phones are necessary to allow for communications on breaks or outside of the courtroom with co-counsel and staff, as well as with witnesses to ensure timely arrival of witnesses and to ensure an efficient adjudication of this matter in light of the number of witnesses expected to testify.

6. Many of the undersigned counsel reside and are primarily licensed in non-North Carolina jurisdictions and as such do not possess the requisite North Carolina bar card necessary for exemption to the Court’s general prohibition on electronic devices. Counsel possessing North Carolina Bar cards were also prohibited from entering with electronic devices for the Court’s January hearing on Plaintiffs’ preliminary injunction in this matter.

7. Additionally, and to allow for the parties’ request that the following identified staff members, along with counsel who notice an appearance and the witnesses identified in the parties’ pretrial disclosures, be exempted from the applicable rules, orders, and preferences, the parties identify the following staff members for exemption¹:

¹ A full list of all counsel, staff, and witnesses who are reasonably expected to be present for all or part of trial is attached hereto as **Exhibit 1**.

- a. Forrest Williamson
- b. Troy M. Strunkey

8. Should the Court grant the relief requested herein, the parties agree and reaffirm their commitment to follow the rules and standards set forth in Local Rule 83.1(k)(2) in using their electronic devices during trial. Further, the parties agree to take all steps necessary to ensure that their respective staff members and witnesses comply with the same.

WHEREFORE, the parties jointly request the Court enter an Order:

1. For a period beginning February 3, 2025 and continuing until completion of the trial in this matter, suspending Local Rule 83.1(k) and Standing Orders 05-PLR-7 and 22-SO-2-M, and granting an exception to the Court's judicial practice preferences to allow all counsel who notice an appearance, all specifically identified staff members, and all witnesses identified on the parties' pretrial disclosures, upon presentation of a government-issued identification to courthouse security, the ability to bring and use electronic devices in the courtroom so long as those devices are operated in accordance with the rules and standards set forth in the Court's Local Rules and Standing Orders.

Respectfully submitted, this the 13th day of January, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel and parties registered in said system.

Respectfully submitted this, the 13th day of January, 2025.

/s/ Phillip J. Strach
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